

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARLOS SALAZAR,

Plaintiff,

v.

FIRST AMERICAN TRUSTEE SERVICING
SOLUTIONS, LLC; and WELLS FARGO BANK,
N.A.,

Defendants.

No. C 11-03143 CW

ORDER DENYING AS
MOOT WELLS
FARGO'S MOTION TO
DISMISS AND
GRANTING WELLS
FARGO'S MOTION TO
EXPUNGE LIS
PENDENS NOTICE
(Docket Nos. 5
and 6)

On July 19, 2011, the Court ordered Plaintiff Carlos Salazar to respond within seven days to Defendant Wells Fargo Bank, N.A.'s motion to dismiss his claims and motion to expunge a lis pendens notice that he recorded for property located at 1622 Bissell Avenue in Richmond, California. The Court warned Plaintiff that, if he failed to respond, his claims against Wells Fargo Bank would be dismissed for failure to prosecute. Plaintiff did not respond.

Accordingly, Plaintiff's claims against Wells Fargo are dismissed without prejudice for failure to prosecute. Wells Fargo's motion to dismiss is DENIED as moot (Docket No. 5) and its motion to expunge Plaintiff's lis pendens notice is GRANTED (Docket No. 6). Any lis pendens notice filed by Plaintiff concerning this action and the Bissell Avenue property shall be expunged. Wells Fargo's request for attorneys' fees in connection with its motion to expunge is DENIED.

On July 22, 2011, Defendant First American Trustee Servicing Solutions, LLC, filed a motion to dismiss Plaintiff's claims.

1 Plaintiff's response to the motion is due August 5, 2011, First
2 American's reply is due August 12, 2011, and a hearing is set for
3 August 25, 2011. Plaintiff's failure to respond to the motion will
4 result in the dismissal of his claims against First American.

5 IT IS SO ORDERED.

6
7 Dated: 8/2/2011



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SALAZAR et al,

Case Number: CV11-03143 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

FIRST AMERICAN TRUSTEE SERVICING
SOLUTIONS, LLC et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 2, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carlos Salazar
1622 Bissell Avenue
Richmond, CA 94801

Dated: August 2, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California